

Part. 2.
Concerning Surety of the peace, and for
the Good Behaviour.

Surety for keeping the peace, differs from Surety
de bono Conducto or for the good Behaviour, in that the
latter is of the former and something more, and it is
more Difficult to observe the Good Behaviour, than to
keep the peace.

Any Justice of peace may either ex officio, or by his own
proper Motion, or at the Request of another, bind a person
to the peace or good Behaviour. A Justice doth enjoy Justice
for the peace some times by word of Mouth, and some times
by Writing. He Enjoins it by word of Mouth, when the
person to be bound is present. When the person against
whom the peace or good Behaviour is Demanded, is
absent, the Justice of peace signs a warrant or precept
in writ showing the cause why and at whose suit it is granted
and directed to Constables or any other sufficient many to bring
the absent person before himself, or before any of his
Justices of peace, to find Surety for the peace or
good Behaviour, and if he Refuse so to do, to Commit him
to Prison. When a person against whom a precept is
sued for the peace is awarded Comers before the Justice
of peace, he is charged with a bond or obligation for
keeping the peace. ^{Writ} called a Recognizance, from the
French Recognizance or Reconnoissance, an Acknow-
ledgment. The Grantor of such bond is called the Recogni-
zator, and he to whom it is granted the Recognizee. It is in
the Discretion of the Justice of peace, to Determine the
Number and Sufficiency of the Justices, the Largeness of
the sum for which they are to bind, and how long they
are to stand bound, Statute de pace 21 a. Hawkins p. 6. G.
c. 6. 1. & Chap. 6. § 15. Thomas Covert and persons under
age shall be bound to the observance of the peace or
good behaviour by Justices only, and not by their own
portional bond. Hawkins ibid. Chap. 6. § 15. A Justice

of peace may take Money to lay in Deposits for Surety of
the peace, to be forfeited to the King upon a Breach thereof,
the peace, to find Justification, and if the Party given for keeping
but cannot put any to good New Justice upon the Death of
the former. Commonly (and which is the
safest way) he binds the party to appear at the Next Ses-
sions of the peace, and in the mean time to keep the peace
as to the King and all his Majesty's high people, especially
as to the person at whose Request the peace was granted, than
bind the Chap. 6. § 16. The Bond given for keeping the
peace must be certified, sent or brought to the Next Ses-
sions of the peace, and if the Recognizer fail to appear there,
his Default is recorded 3 R. 7. cap. 1.

A Justice of peace may ex officio, bind all those to the
peace who are likely to breach it, or do what hath a
probable tendency to a breach thereof, to those who in
his presence make any a fray, or threaten to kill or
beat any person, or contend together with the best Swords,
that shall go about with Unusual Weapons or standards
to the terror of the people, and also all such persons as
are known by him to be Common Barretors, i. e. Common
Moorers or maintainers of Shuts, Quarrels or parties either
in Courts or else elsewhere, and who are themselves Novus qui
qui am Gortians Davo omnia perturbant. Derived
from the French Baral a Cheat; and also all those
that are brought before him by a Constable for a
breach of the peace in presence of such Constables,
and all such persons who having been before bound
to keep the peace, are convicted of having forfeited
their Recognizance, Statute de pace, i. e. a Law King
pl. Cr. lib. 1. Chap. 6. § 1. Any person under the Kings
Writ may Demand Surety of the peace. A Justice may
grant the peace against a person who is against
any person found in his presence under the Degree of
Fidelity, whether he be of Full age or Under age
and whether he be a Merchant or private per-